



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 13 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7009 2820 0002 1759 1674

In Reply Refer to:

EPA File No.: 21R-14-R9

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

Barrigada, Guam 96921

Re: Rejection of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), has reviewed your complaint dated December 8, 2014, alleging that (1) the Guam Program Manager, Pacific Islands Office, United States Environmental Protection Agency (USEPA), Region IX and (2) USEPA Region IX violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d, *et. seq.*, and its implementing regulations, 40 Code of Federal Regulation (CFR) Part 7. After careful review, the complaint is rejected and the case closed as of the date of this letter.

Pursuant to the EPA's nondiscrimination regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to an appropriate agency. See 40 C.F.R. § 7.120(d) (1). For a complaint to be accepted for investigation, it must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. See 40 C.F.R. § 7.120(b) (1). Second, the complaint must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). See 40 C.F.R. § 7.120(b)(1). Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15. For your reference, we have enclosed a copy of the EPA's nondiscrimination regulations.

After careful review, the OCR is rejecting your complaint because the allegations described do not meet the EPA's jurisdictional requirements. The EPA's jurisdictional requirements state that to be accepted for investigation, the complaint must be filed against a recipient of the EPA's financial assistance that allegedly committed the discriminatory act(s). Your complaint is against the EPA, rather than a recipient of EPA financial assistance. Title VI

does not apply to the Federal government. A Federal agency cannot be considered a "recipient" within the meaning of Title VI.

In addition, EPA's nondiscrimination regulations require that a complaint be filed within 180 calendar days of the alleged discriminatory act. Your complaint, however, fails to identify a date of the alleged discriminatory act, making a timeliness determination impossible.

For the above reasons, your complaint is rejected and the case closed as of the date of this letter. If you have questions about this letter, please contact Samuel Peterson at 202-564-5393 or via electronic mail at peterson.samuel@epa.gov.

Sincerely,



Velveta Golightly-Howell
Director

Enclosure

cc: Elise Packard
Associate General Counsel
Civil Rights and Finance Law Office (MC 2399A)

Alexis Strauss
Deputy Civil Rights Official
U.S. EPA Region IX
(MC ORA-1)